

WEATHER REPORT.

Washington, Feb. 15.—Forecast for Thursday:
Virginia—Increasing cloudiness, with snow or rain; light to fresh winds becoming easterly.
North Carolina—Rain; fresh to brisk northeasterly winds.

Norfolk and Vicinity.

WEATHER FORECAST FOR TO-DAY
Snow, possibly changing to rain; warmer; easterly winds.

TEMPERATURE, RAINFALL AND HUMIDITY.

Maximum temperature 45
Minimum temperature 34
Normal temperature 41
Departure from normal minus 41
Departure from normal since January 1st minus 178
Rainfall in past 24 hours 0.00
Rainfall since first of month 0.00
Mean humidity 73
Depth of snow on ground 8 p. m. this date, 12.5 inches.

CALENDAR.

Sun rises at 6:52 a. m. and sets at 5:47 p. m.

TIDES.

Norfolk—High water at 1:33 a. m. and 1:51 p. m.; low water at 7:55 a. m. and 7:56 p. m.
Old Point—High water at 1:12 a. m. and 1:29 p. m.; low water at 7:34 a. m. and 7:55 p. m.

DIED.

SULLIVAN.—Suddenly, Tuesday, February 15th, 1899, at 8 o'clock p. m., JOHN J. SULLIVAN, aged 35 years.
The funeral will take place from St. Mary's Catholic Church, THIS (Thursday) MORNING at 10 o'clock. Friends of the family are invited to attend.

WISE.—At the residence of his mother, No. 40 Dartmouth street, February 11, 1899, of pneumonia, T. O. WISE, Jr., aged 35 years.

The funeral will take place from the above residence, THIS (Thursday) AFTERNOON at 4 o'clock. Friends of the family are invited to attend.

READ.—Tuesday, February 15th, at 1 o'clock p. m., at his residence in Currier's Creek, the late, JOSEPH L. READ, 50 years of age, died. Friends of the family are invited to attend. Interment will take place FRIDAY AFTERNOON at the arrival of Norfolk and Southern train, at 4:20 o'clock, at Elmwood Cemetery, Norfolk, Va. Friends and acquaintances are invited to attend.

FUNERAL NOTICE.

The funeral of P. S. MARICH will take place from the First Baptist Church, corner of Granby and Freemason streets, at 2 p. m. TO-DAY.
Friends of the family invited to attend.

Monuments and Gravestones.
The selection of a suitable memorial in marble or granite is a task that is not easily accomplished. The largest assortment of finished designs in the South.
THE COOPER MARBLE WORKS
(Established 50 Years.)
139-143 E. Main St., Norfolk, Va.

AMUSEMENTS.

VAN WYCK'S ACADEMY OF MUSIC.

THURSDAY, FEBRUARY 16, 1899.
Third Lesson in Norfolk Lyceum Course.

THE HON. LEVIN IRVING HANDY.
Subject: "THE ROAD TO VICTORY, OR, TRIUMPHANT LIVING."
Feb 15th

VAN WYCK'S ACADEMY OF MUSIC.

FRIDAY EVENING, FEBRUARY 17th.
—Hoyt's Big Success—

"A STRANGER IN NEW YORK."
Prices, 25, 50, 75c and \$1.00. Feb 17th

AUDITORIUM THEATRE.

S. E. Cor. N. 3rd and Union Sts.
JAS. M. HARTON, President and Manager.
WILEY HAMILTON, Amateur Director.

Open every night in the year. Smoking Concerts, presenting a respectable, up-to-date Vaudeville entertainment.
Matinees, Tues., Thurs. and Sat. at 2 p. m. Evening performances continuous from 8 till 12. Admission, 10, 15 and 25c. Feb 15th

MEETINGS.

EMERALD BENEFICIAL ASSOCIATION.—The members will meet at 7 o'clock THIS (Thursday) MORNING at the residence of Mrs. J. O. SULLIVAN, 1000 E. Main St., for the purpose of attending the funeral of Mrs. J. O. SULLIVAN.
By order of the President,
R. S. SAMUEL, Secretary.

NOTICE.

There will be a called meeting of CENTRAL LABOR UNION on FRIDAY at 7:30 p. m., at Bricklayers' Hall, Main street, Norfolk, Va. An interesting report will be made by Legislative Committee. A full attendance is very much desired.
By order of the President,
C. C. WILLIAMS.

NOTICE.

There will be an annual meeting of the stockholders of the ATLANTIC INVESTMENT COMPANY of Norfolk, Virginia, at the office of A. W. CORNICK, No. 275 E. Main street, Norfolk, Virginia, on the 15th day of February, 1899, at 10 o'clock a. m., to elect officers and transact such other business as may properly come before the meeting. Wm. C. GRUBBS, President. A. W. CORNICK, Secretary.

A CARD.

I deplore exceedingly that owing to a misapprehension of fact I had a criminal warrant issued some days ago against JAMES MULHOLLAND and wish by this public notice to assert Mr. Mulholland's innocence of the charge made against him.
JNO. R. TOMPKINS.

The Norfolk and Ocean View Railroad

will make through trips for Old Point at 10:30 a. m., 12 noon and 1:30 p. m. Later trains if tide permits.

D. A. HIGARTY,

General Superintendent.

Chest Protectors.

Chest Protectors.

Chest Protectors.

—AT—

Trotter's Drug Store.

388 Main St. Cor. Church St.

DAIRY MEN.

DAIRY TRADE ARE INVITED TO inspect our superior MILK. Unsurpassed by anything offered to the trade for producing Milk. Price below competition. Michigan Green Clover Hay for Milk Cows also.

D. P. REID & BRO.

COURT DECISIONS.

Notes of Important Cases Recently Decided, Which are of Interest to Our People.

DIGESTED BY W. B. MARTIN,

(Exclusively for Virginian-Pilot.)

HITE V. COMMONWEALTH.

Supreme Court of Appeals of Virginia, December 1, 1898.

MURDER—A KILLING IS NOT EXCUSED BY THE FACT THAT ACCUSED HAD BEEN ACCUSTOMED TO DRINK HEAVILY AT TIMES, AND WAS DRINKING AT THE TIME OF THE OFFENSE, IT NOT APPEARING THAT HE DID NOT KNOW WHAT HE WAS DOING, OR RIGHT FROM WRONG, STATEMENT OF ACCUSED AS TO HIS REASON FOR KILLING, MADE AFTER PRELIMINARY EXAMINATION IN REPLY TO A QUESTION, NO INDUCEMENT BEING HELD OUT TO HIM, ADMISSIBLE IN EVIDENCE, OBJECTION TO AGE OF JUROR CANNOT BE MADE AFTER VERDICT.

Hite was convicted of murder and appealed.

The Court, after overruling an objection that a continuance was not granted, says: Neither did the Court err in permitting the witness Moody to give in evidence the statement of the accused as to his reason for killing the deceased. It is true that Moody was a justice of the peace. It appears that after the preliminary examination Moody, who was not the acting justice of the peace on that occasion, asked the defendant what made him kill the deceased, and that he, without any inducement whatever, gave the answer which was admitted in evidence. The rule is that a confession may be given in evidence unless it appears that it was obtained from the party by some inducement of a worldly or temporal character, in the nature of a threat, or promise of benefit held out to him in respect to his escape from the consequences of the offense, or the mitigation of the punishment, by a person in authority, or with the apparent sanction of such a person. The evidence objected to was clearly admissible.

The evidence showed that the defendant shot and killed the deceased without the slightest provocation. The effort to show that the defendant was not responsible for his act wholly failed. The evidence does show that for many years he had been accustomed to drink heavily at times and was drinking at the time the offense was committed; but it also shows that he was not under the influence of liquor on that occasion to such extent that he did not know what he was doing, or that he did not know right from wrong.

Chas. T. Roeken, for appellant.

The Attorney General for the Commonwealth.

COX V. NORFOLK & CAROLINA R. CO.

Supreme Court of North Carolina, December 23, 1898.

NEGLIGENCE—ON MOTION FOR A NONSUIT THE COURT CAN CONSIDER ONLY THE EVIDENCE RELATING TO DEFENDANT'S NEGLIGENCE, AND MUST SUBMIT THE CASE TO THE JURY IF THERE IS MORE THAN A SCINTILLA OF EVIDENCE TENDING TO PROVE SUCH NEGLIGENCE.

THE BURDEN OF PROVING NEGLIGENCE OF THE DEFENDANT IS ON THE PLAINTIFF AND OF PROVING THE CONTRIBUTORY NEGLIGENCE OF THE DEFENDANT IS ON THE PLAINTIFF—THE JURY ALONE CAN DETERMINE THE RELATIVE WEIGHT OF EVIDENCE.

This was a suit for damages for killing plaintiff's intestate. The lower court directed a nonsuit and was reversed by the Supreme Court.

The evidence was that no one saw the accident which occurred on a bright moonlight night. The body was found on the track near a public footpath; two hours before a train had passed without blowing whistle or ringing bell. A person could easily be seen near the track from the depot. The body was 250 feet from the depot and there was no obstruction between the depot and the path—a man keeping a lookout could see a man on the track for two yards. That if the train was moving 1 mile an hour it could have been stopped in 15 feet, or at 8 miles an hour in 30 feet. There was evidence tending to show that deceased had been drinking.

The court, after reciting the evidence, says: Taking the evidence in the light most favorable to the plaintiff we find a train running backward in a town at night, and neither sounding the whistle nor ringing the bell, although passing over a track on the old county road which has ever since been habitually used as a footpath. It is admitted that deceased was killed by the train. This is certainly more than a scintilla of evidence tending to prove the negligence of the defendant, which should have been submitted to the jury. There was error in directing a nonsuit. The burden of proving negligence rests upon the plaintiff, while the onus of showing contributory negligence rests upon the defendant. In both cases this must be shown by a greater weight of the evidence, and of this relative weight the jury alone can determine. Each issue bears its own burden, and it rarely happens that the burden of all the issues rests upon the same party. The plaintiff must first prove that he was injured by the negligence of the defendant. If he fails to prove it, that is an end of the case, and the defendant is not then required to prove contributory negligence. Where there is evidence tending to prove negligence on the part of both parties the case must always be submitted to the jury, and it makes no difference if this evidence appears in the testimony of the plaintiff. The court may say to the jury that there is no evidence tending to prove a fact, but it can never say a fact is proved. It is a settled rule of this court that a verdict can never be directed in favor of the party upon whom rests the burden of proof. As the burden of proving contributory negligence is always upon the defendant, a direction in his favor, based

in any degree upon the contributory negligence of the plaintiff, would be a direction in favor of the party upon whom rested the burden of proof, which is directly opposed to the uniform current of our decisions. It, therefore, follows that on a motion for a nonsuit the court can consider only the evidence relating to the negligence of the defendant, and, if there is more than a scintilla tending to prove such negligence, the motion must be denied and the case submitted to the jury.

TEMPLES OF EQUITY.

RECORD OF THE VARIOUS COURTS YESTERDAY.

In the Police Court yesterday Justice Tomlin disposed of the following cases:

Talbot Sturgess, a vagrant; ordered out of the city.

Bud Cooper, assaulting his wife; continued until to-day.

Henry Brown, colored, stealing a 50-cent shovel from a Hebrew; fined \$7.

Same, stealing a pair of shoes and a handkerchief from a negro; continued until to-day.

Two drunks were fined \$2 each, two were discharged, one was given five days, and another ten days in jail.

TRANSFERS OF REALTY.

In the Clerk's office the following deeds were admitted to record:

The Norfolk Company to A. A. H. Boissevain, four lots beginning at the southeast corner of Mantox street and Redgate avenue, lots; \$6,500.

Sally E. Taylor et al., to C. W. Grandy, the property bounded by City Hall avenue, Concord street, Plum street and Martin's lane; \$55,000.

The Mutual Building Association to John T. Hargrove, lot with improvements at the corner of Kelly and Highland avenues, Brambleton; \$1,200.

NOTES OF THE COURTS.

Norman F. Allen qualified in the Corporation Court yesterday as a notary public.

E. R. Gornio has filed a lien against the Reese Manufacturing Company for \$1,602.06.

CONFEDERATE VETERANS.

ARRANGEMENTS COMPLETED FOR LAYING MONUMENT CORNER-STONE.

A special meeting of Pickett-Buchanan Camp, Confederate Veterans, was held in its hall last evening at 8 o'clock.

Present—Officers and comrades. The meeting was called to order by Commander Todd.

First Lieutenant Commander Greenwood reported that the arrangements for laying the corner-stone of the monument to the Confederate dead on the 22d instant had been completed, and enumerated the matters in detail that had been arranged for. On motion, the report was adopted.

Various letters from officials acknowledging invitations to attend on the occasion were read and filed.

On motion, Commander George M. Todd was elected past commander of the camp.

On motion, the commander was requested to invite the Sons of Confederate Veterans to participate in the laying of the corner-stone of the monument.

CITY DEPARTMENTS.

STREET CLEANERS—WAGONS TO REMOVE SNOW.

No news was to be had in any of the city departments yesterday. The clerks were attending to routine work only.

Several of the clerks were given a half holiday and went skating.

The Street Cleaning Department have on hand a job that may take them to the end of the week to complete.

Yesterday the Finance Committee told Mr. Hofheimer, chairman of the Board of Street, Sewer and Drain Commissioners, that he could hire wagons to haul snow from the streets, and that the committee would furnish the money to pay the bills. Mr. Hofheimer said that he had employed a large force for to-day, and that he thought all in good condition by Saturday.

The regular street force were at work on Main street yesterday removing snow from the gutters, so that it could be carted off.

In response to the request of the street department, many residents in the vicinity of Norfolk yesterday put the sidewalks in front of their property in good condition.

North Carolina Pine Association.

Mr. Russell, the secretary of the North Carolina Pine Association, says that the organization will hold its next meeting on the 23rd instant, at the Monticello Hotel. He said nothing but routine business will be transacted. There are about 25 or 30 firms connected with this organization, which is composed of the leading mill owners of this section.

This association is in no wise a trust, and while they could agree among themselves to put up prices and regulate the output, their action would only affect the operations of their members who are not sufficiently strong to control the business of the entire country.

To their credit, however, he said that the members do not favor trusts, and in the matter of fixing rates, have been actuated by business reasons for the best interest of the trade and community.

Washington Street Improvements.

As stated in the Council report yesterday, the Councils have voted \$150 to pay the expenses of a commission to ascertain the cost of widening Washington street. The Councils were of the opinion that it was worth that much money to know the property owners would be for their own reasons for the best interest of the trade and community.

Mr. East, in making the motion to appropriate the money for the commission, stated that it is in no wise pledged the city to the expenditure of the amount necessary to make the improvements.

The Observance of Lent.

Indications point to a more general observance of Lent, which began yesterday, than ever before. The special feature of the observance will be the extent to which all Protestant ladies will take part. A very large proportion of the churches will take some notice of the season. A good many will keep Holy Week by having services every evening and also on Good Friday, and many will have elaborate services at Easter. Methodists and Presbyterians will observe the season to some extent, but less widely than others.

At St. Paul's P. E. Church, Rev. B. D. Tucker, D. D., rector, morning

prayer was held at 11 o'clock and evening prayer at 8 o'clock. An offering was made for St. Mark's, at Lambert's Point. Following is the program for the remainder of Lent:

Week Days—Tuesday, evening prayer, 5 o'clock; Wednesdays, litany, 12 o'clock; Thursdays, evening prayer, 5 o'clock; Fridays, evening prayer, 5 o'clock.

Saturday, February 25th—St. Matthias, 12 noon.

Saturday, March 25th—The Annunciation, 12 noon.

Holy Week—Monday, 7:30 a. m.; Tuesday, 7:30 a. m., 5 p. m.; Wednesday, 7:30 a. m., 12 noon; Thursday, 7:30 a. m., 8 p. m.

Good Friday—11 a. m.; confirmation, 8 p. m.

Easter Eve—Holy Baptism, 12 noon.

Easter Day—Holy Communion, 7:30 a. m.; morning prayer and communion, 11 o'clock; children's service, 5 p. m.

Offerings for feyble parishes and Lenten expenses. Good Friday, for missions.

THE HAMPTON CONVENTION.

PREPARATIONS BEING MADE FOR THE Y. M. C. A.

The twenty-third annual convention of the Young Men's Christian Association of Virginia will be held in Hampton March 2 to 5.

For the past month State Secretaries Coulter and Walker have been compiling reports, issuing printed matter, etc., in connection with this meeting of the association men of Virginia. The program has been arranged with especial care, each department being prominently presented in helpful papers by the association's best workers. The Bible studies will be led by Rev. Cornelius Woodfin, pastor of Green Avenue Baptist Church, Brooklyn, N. Y. Dr. Woodfin is a most interesting teacher and has been wonderfully helpful in other such gatherings.

The local association is making necessary preparations in the way of entertainments, places of meeting, chorus singing, etc. Mr. A. C. Irons, the general secretary of the Hampton Association, has charge of these arrangements.

State Secretary L. A. Coulter is at present visiting the associations of the State in the interests of the convention.

Mr. W. Reginald Walker, office secretary, has charge of statistics of the past year's work, issuing printed matter, etc. The annual report of the association will be issued very soon and facts learned there are many encouraging features about the past year's work.

The following are among the speakers and leaders of the convention: Messrs. H. P. Anderson and George B. Hodge, secretaries of the college and educational departments of the International Committee. Mr. Charles R. Johnson, secretary Pennsylvania Railroad Department, Philadelphia, Pa.; Mr. W. H. Morris, general secretary of the Baltimore (Md.) Association.

Mr. Frank W. Ober, editor of "Men," the association organ, and Mr. L. E. Brown, State secretary of the association of Illinois. There will, of course, be a number of impromptu speeches of a high order.

On account of Hampton being near and easy reach the attendance from Norfolk and Portsmouth on the sessions will be large.

The Newspaper Duty.

The great newspaper is the newspaper which makes the best possible use of its space. Its first duty is to give a record of life. This we call news. But it must not stop here; it must give life as well as record it. By directing thought, by correcting judgment, by developing local and national spirit, by establishing truth, by giving inspiration for work, by introducing refining and educating influences it becomes the great character-builder of our modern civilization. Ninety-nine people read newspapers for news, and a few read books or magazines. Those ninety-nine people must get their solid reading from newspapers or not get any. It is the newspaper's business, as well as its privilege, to take care of them educationally. It is with a desire to perform this duty to its readers that the Virginian-Pilot proposes to inaugurate a "Solid Study Circle" in its columns, beginning Sunday, February 26th. The cooperation of many of the best known educators and literary and scientific writers has been secured, and their work will be arranged into complete courses of study.

Public Cold Storage.

The announcement that Norfolk is to have public cold storage all the year round is no less reasonable at the present time than the advantages of the storage will be agreeable and profitable to our merchants and shippers of perishable goods, later on in the year. It can now be definitely stated that the building of a large cold storage plant, with the latest improved machinery in duplicate, will be begun at an early date, and that the plant will be in operation by about the middle of next winter. The building, which will be located in Foster's lane, will occupy about six hundred square feet of ground space and will keep cold one-half million dollars' worth, at a time, of such articles as eggs, butter, cheese, poultry, game, fish, etc.

In Memory of the Maine.

The Old Dominion steamship Richmond came in yesterday morning from Newport News with her colors at half mast in memory of the men who perished in the destruction of the battleship Maine in the harbor of Havana one year ago Tuesday night.

The captain of the Richmond reported that several vessels at Newport News and Old Point paid this grateful tribute to the memory of the 266 victims of Spanish hate and treachery. Several flags were observed hoisted at Lambert's Point and in the harbor in this city.

The City Union.

(Communicated.)

This mass meeting of the City Union of the King's Daughters advertised to be held Friday, 17th inst., will be postponed until Friday, the 24th inst.

MRS. R. A. MAPP, Secretary.

I Commend the Enterprise.

Dr. W. J. Young, pastor of Epworth M. E. Church, commends the "Home Study Circle."

Virginian-Pilot, Norfolk, Va.

Gentlemen—I am very glad to note that you have arranged to bring before the people well written articles on great historical subjects. The names of the authors of these articles are a guarantee of their reliability, and a guarantee that they will be read. It is needless to say that I commend the enterprise.

W. J. YOUNG.

Frozen Pipes.

The officials in the City Hall are suffering from the effects of the freeze. All their water pipes are closed. In some of the offices there is insufficient heat and the employees are doing no more work than absolutely necessary. A rise in temperature will burst hundreds of pipes and in the next two days the plumbers' harvest will begin.

THE RICHMOND CASTLE

Her Terrible Experience in the Late Great Storm.

"A Sugar Coated Ship on a Wedding Cake"—Fierce Fight With Cold and Fire and Water Under Fearful Difficulties—The Captain's Story.

THE CAPTAIN'S STORY.

"Yes, sir; it was a terrible experience, and the worst I have been through for thirty-two years at sea. I came in from Cape Henry this morning. My steamer, hull, rigging and masts are a mass of ice, and nearly representing a sugar-coated ship on a wedding cake as anything."

"Sunday night we were off Cape Henry, but the sea was so terrible and the weather so bad that I thought it advisable to put to sea, and started, with her head to Eastward. We were blown off the land, and managed to get to anchor again off Cape Henry, or, rather, between the Capes, Monday night, and there we anchored and waited until daylight, when we came to the pilot grounds to get a pilot for Norfolk."

"At 4 o'clock in the morning I was called, and woke to find myself nearly asphyxiated with the fumes of burning cotton and smoke. I immediately set to work and got all hands to clear away the ice and snow from the bulkheads. During the time the chief engineer was cutting away bolts with a coal chisel, the bulkhead of steel having to be cut out, some of the men were fainting with cold and exhaustion."

"We at last managed to get at the seat of the fire, and the chief mate, with the hose in his hands, water freezing all the time and thermometer down to 15 degrees, managed, with extra exertions, to smother the fire a little, when we had to rig ladders to our works and windlass and have up about four holes, which were on fire, some of us fainting with exhaustion from the cold and effects of the smoke and gases. We finally got it under control, but still as our hose was frozen up and our hose pipes also, and no water could be drawn from over the side, we engaged the tug Katie to stand by us with her hose and render us all the assistance necessary."

"The damage, when the pilot came aboard we got under weigh for Norfolk, and on arrival here surveyors visited the vessel, and have ordered the discharge of about 100 bales more, which work is now in progress."

"On our way up we passed several fishing boats, abandoned by their crews, drifting in the ice and drifting out to sea. Numbers of schooners and barges were also drifting with the ice pack and the tide, as no anchorage could be safely found in the Roads, owing to the drifting ice."

"A WELCOME PILOT."

"The storm was a terrible one, and the experience off Cape Henry is one I do not care to repeat. It was with a feeling of great relief that I saw the genial countenance of Capt. Harvey Cunningham coming over the side, and heard his hearty voice wishing me a merry Christmas, which, under the circumstances, did not seem at all out of place."

PILOT DIFFICULTIES.

"The pilots are having a hard time making connections with their boats, as nearly all the small steam craft in the harbor are busy, and there is as yet no direct communication with Old Point or Hampton. The Chesapeake and Ohio sent a tug across yesterday, and the New York, Philadelphia and Norfolk had a boat traveling, though not to Old Point; and the Washington, Ray Line and Old Dominion steamers were unable to make landings there. The ice pack is large and constantly increasing, and schooners flying pilot or tug signals were numerous; in fact, it is almost unsafe to attempt anchorage here, as the ice, carried by the tide, sweeps all before it, and several schooners and barges have lost anchors and chains. The pack is also very heavy on the Eastern Shore, and Cape Charles City is still cut off from Norfolk and other points on this side of the Bay."

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MRS. R. A. MAPP, Secretary.

A LIMITED NUMBER OF SHARES.

Prospectus can be had and subscriptions will be received at the VIRGINIAN BANK, NORFOLK, VA. THE MARYLAND TRUST COMPANY, BALTIMORE, MD. For further information apply to LOWENBERG, VICE-PRESIDENT AND GENERAL MANAGER, NORFOLK, VA. Feb 15